

Name: Kelly S McEntire  
Address: 6679 East 950 South Huntsville, UT 84317  
Telephone: 801-745-3700

RECEIVED CLERK

OCT 17 2006

FILED IN UNITED STATES DISTRICT COURT  
COURT, DISTRICT OF UTAH

U.S. DISTRICT COURT

OCT 23 2006

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
Central DIVISION

MARK SUMNER, CLERK  
DEPUTY CLERK

Kelly S McEntire  
(Full Name)

PLAINTIFF

VS.

Federated Investment  
Management Company  
Federated Securities  
Federated Shareholder  
Services Company  
DEFENDANTS

CIVIL RIGHTS COMPLAINT  
(42 U.S.C §1983, §1985)

CIVIL NO. 3-1  
(Supplied by Clerk)

Judge Bruce S. Jenkins  
DECK TYPE: Civil  
DATE STAMP: 10/25/2006 @ 13:28:00  
CASE NUMBER: 1:06CV00133 BSJ

Attorney General State of  
Utah

A. JURISDICTION

1. Jurisdiction is proper in this court according to:

- a. 42 U.S.C. §1983  
b. 42 U.S.C. §1985  
c. Other (Please Specify) \_\_\_\_\_

2. NAME OF PLAINTIFF Kelly S McEntire  
IS A CITIZEN OF THE STATE OF UT

PRESENT MAILING ADDRESS: 6679 East 950 South Huntsville UT 84317

3. NAME OF FIRST DEFENDANT Robert Newman

IS A CITIZEN OF SLC Utah  
(City and State)

IS EMPLOYED AS Director at URS  
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐. If your answer is "YES" briefly explain.

Participated in setting my retirement data, overseeing a judicial review, was a 25% share holder of my wife's Trust, and took that trust fraudulently through organized illegal actions, Identity theft

4. NAME OF SECOND DEFENDANT Dennis R. Kelen  
(If applicable)

IS A CITIZEN OF SLC, Utah  
(City and State)

IS EMPLOYED AS Operations Manager at UDAC  
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐. If your answer is "YES" briefly explain.

Was withholding money from my pay and putting it in a non trust account. Helped to misrepresent my service credit, Conspired to commit fraud against a person with disabilities

5. NAME OF THIRD DEFENDANT Rich Freeman  
(If applicable)

IS A CITIZEN OF SLC Utah  
(City and State)

IS EMPLOYED AS President at Weber Credit Union

(Position and Title if Any) <sup>Director</sup> ~~HRS~~ (Organization) ~~LEIS~~

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES \_\_\_ NO ☒ If your answer is "YES" briefly explain.

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6. NAME OF FOURTH DEFENDANT Bank of Utah  
(If applicable)

IS A CITIZEN OF Ogden Utah  
(city and State)

IS EMPLOYED AS President of Bank at Bank of Utah  
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES \_\_\_ NO ☒ If your answer is "YES" briefly explain.

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(Use additional sheets of paper if necessary.)

### B. NATURE OF CASE

1. Why are you bringing this case to court? Please explain the circumstances that led to the problem.

I started to see unusual activity in my Bank  
accounts and had a bunch of MPKT Certificates  
in my computer from a company called Verisign  
conspiracy on the part of multiple entities  
to defraud the beneficiary of a Trust of his  
rights of ownership - Involving multiple  
state Agencies

### C. CAUSE OF ACTION

1. I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

a. (1) Count I: Denied my beneficial interest in a Trust  
Denied me access to SEC documents

- (2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing legal authority or arguments.)

My wife started a trust/partnership in March  
of 1986 she died in 1996 from a car accident  
The trust was changed without my consent  
and continued on in her name until I  
discovered it. Should have been sending  
me tax information and K-1 reports

b. (1) Count II: Fraud against a person with a disability

- (2) Supporting Facts: The partners in the trust  
knew personal information and denied insurance  
benefits at the time of my wife's death but  
paid them into the trust. Created an  
employee trust and converted from a family  
trust to hide and take possession of through  
Tax laws.

- c. (1) Count III: Retaliation by individuals involved  
State Agencies
- (2) Supporting Facts: Denial of retirement benefits  
denial of medical benefits, harassment  
law suits if I do not withdraw  
Denial of Beneficial Interest in a Trust  
in the name of Justice S McEsterive through  
harassing and manipulative action

D. INJURY

1. How have you been injured by the actions of the defendant(s)?

After the hearing on November 18, 2005  
my psychiatrist Rhonda Lehr withdrew  
treatment for depression and ADD until  
April 16th the day after transfer was effected  
Continued non treatment caused me to be  
totally disabled from December 2005 until I  
attempted suicide and received treatment in Sept of 2006  
loss of Retirement benefits and my wife's Trust Account  
E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action or otherwise relate to the conditions of your imprisonment? YES ☒ / NO ☐. If your answer is "YES," describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

- a. Parties to previous lawsuit:

Plaintiff(s): United States Government

Defendant(s): URS

b. Name of court and case or docket number: Utah Court of Appeals 20030908ca

c. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) Ruled in favor of the state and overturned

d. Issues raised: by the SEC  
Ownership of the assets in the trust  
and the criminal activity that took place to  
hide the existence of the trust

e. When did you file the lawsuit? December 10, 2003 Not filed  
Date Month Year  
United States wants to claim jurisdiction of this case

f. When was it (will it be) decided? \_\_\_\_\_

2. Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C? YES ☒ / NO ☐  
If your answer is "YES" briefly describe how relief was sought and the results.  
If your answer is "NO" explain why administrative relief was not sought.

Participated in a judicial review which was denied  
I Retained my wife's estate and the attorney of the  
URS made allegations of sexual harassment  
against me to deny getting Federal securities in  
my name and grant beneficial interest  
Conflict of interest / Manipulative practices  
Lawyer for state has been disbarred because of his actions

#### **F. REQUEST FOR RELIEF**

1. I believe that I am entitled to the following relief:

An amount of damages to be determined by  
the Court and, Reinstatement and payment of Retirement funds,  
Dropping of all charges against me by the State of Utah  
and payment of the proper amount of disgorgement  
and eliminate any penalty offsets, Appeal of  
all criminal convictions and notices of default.  
Payment of disability and death benefits and Social Security

Restore my status as a properly retired state employee  
Prevent the swapping of Annuity Policies and Securities  
for a fraudulent home loan

**DECLARATION UNDER PENALTY OF PERJURY**

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C §1621.

Executed at SLC Fed Court on 16 October 2006.  
(Location) (Date)

  
Signature

## **SECTION VI**

### **REQUEST FOR APPOINTMENT OF COUNSEL**

Pro se litigants may ask the court to appoint an attorney, or counsel, for them in a civil case. The Court has a limited number of attorneys to accept cases on behalf of the Court. These attorneys serve *pro bono*, or without charge, to the pro se litigant. Pro se litigants have no right to be represented by court-appointed counsel, and the court has no obligation to appoint counsel. The court will appoint counsel in a few select cases where having an attorney seems particularly appropriate or important. If you would like to request that the court appoint counsel to represent you in your lawsuit, you must file a “motion for appointment of counsel” form with the court. The form should be filed with the complaint. A copy of a motion for appointment of counsel is attached to this Guide as Appendix E.



**FORM 5. Petition for Review or Notice of Appeal of an Order or Decision of an Agency, Board, Commission, or Officer**

**United States Court of Appeals for the Federal Circuit**

Kelly S. McEntire, Petitioner or Appellant,

v.

**PETITION FOR REVIEW**

Federated Investments Respondent or Appellee.

Kelly S. McEntire (name all parties\* bringing the petition or appeal) hereby petition/appeal the court for review of the DOL Fixing Fidelity to (describe the order or decision) of the DOL (name the agency, board, commission or officer) entered on August 31, 2005 (date).

Kelly S. McEntire  
(Signature of petitioner, appellant or attorney)

6479 E. 950 South  
Druidville, Utah 84317  
(Address of petitioner, appellant or attorney)

\*See Fed. R. App. P. 15 for permissible ways of identifying petitioners.

**FORM 5. Petition for Review or Notice of Appeal of an Order or Decision of an Agency, Board, Commission, or Officer**

**United States Court of Appeals for the Federal Circuit**

Relly S McEntire, Petitioner or Appellant,

v.

**PETITION FOR REVIEW**

State of Utah, Respondent or Appellee.

Relly S McEntire (name all parties\* bringing the petition or appeal) hereby petition/appeal the court for review of the SEC Complaints (describe the order or decision) of the ALJ, Rural Farmer SEC (name the agency, board, commission or officer) entered on November 18, 2005 (date).

(Signature of petitioner, appellant or attorney)

Relly S McEntire

(Address of petitioner, appellant or attorney)

6679 East 950 South  
Hartsville, Utah

\*See Fed. R. App. P. 15 for permissible ways of identifying petitioners.

Name: Kelly S McEntire  
Address: 6679 East 950 South  
Huntsville Utah 84312  
Telephone: 801-745-8900

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH - Central DIVISION

Jake & Kelly McEntire  
Plaintiff,

v.

Robert Newman  
Dennis Kellert  
Ken Wynne  
Rich Freeman  
Bank of Utah  
Nationwide Insurance  
Defendant(s).

Deceptive and manipulative practices  
Conflict of Interest  
COMPLAINT Tax Fraud  
Fraud Money Laundering  
Racketeering Adverse Possession  
Breach of Fiduciary  
Conspiracy to defraud  
Civil No.

3-12111

A. JURISDICTION

This action is brought pursuant to Title VII of the Civil Rights Act of 1964 as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. § 2000e(5). Equitable and other relief are also sought under 42 U.S.C. § 2000e(5)(g). Jurisdiction is also based on 28 U.S.C. 1331, 1343 and 42 U.S.C. §§ 1981 et seq. Where employment discrimination based upon age is alleged, jurisdiction is conferred by 29 U.S.C. § 627(C) (d) and appropriate relief is also sought.

B. PARTIES

1. Name of plaintiff:  
Present mailing address:

Kelly & Jake McEntire  
6679 East 950 South  
Huntsville UT 84312

**FORM 5. Petition for Review or Notice of Appeal of an Order or Decision of an Agency, Board, Commission, or Officer**

**United States Court of Appeals for the Federal Circuit**

Kelly S McEntire, Petitioner or Appellant,

**PETITION FOR REVIEW**

Federated Investments v. Respondent or Appellee.

Kelly S McEntire (name all parties\* bringing the petition or appeal) hereby petition/appeal the court for review of the DOL (describe the order or decision) of the Abandonment of Job (name the agency, board, commission or officer) entered on October 05, 05 (date).

Kelly S McEntire  
(Signature of petitioner, appellant or attorney)

4679 East 950 South  
Starkville, Utah 84317  
(Address of petitioner, appellant or attorney)

\*See Fed. R. App. P. 15 for permissible ways of identifying petitioners.

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

*Judy S. McEntire*

(b) County of Residence of First Listed Plaintiff *Utah*  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

*Attorney General for State of Utah*

## DEFENDANTS

*Robert Neal, et al. Rich Freeman Bank of Utah*  
*Dennis U.S. District Court*  
*Kane Wynne*

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF LAND INVOLVED.

Attorneys (If Known)

*utah Attorney General*  
*OCT 23 2006*  
*MAKUS B. ZIMMER, CLERK*

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |  |   |  |         |   |
|---|--|---|--|---------|---|
| Citizen of This State                   | PTF DEF  | <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State        | PTF DEF | <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 1 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State               | <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2 |         |   |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 3 <input type="checkbox"/> 3            |         |   |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input checked="" type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input checked="" type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input checked="" type="checkbox"/> 370 Other Fraud <input checked="" type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input checked="" type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input checked="" type="checkbox"/> 770 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input checked="" type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input checked="" type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input checked="" type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input checked="" type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input checked="" type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input checked="" type="checkbox"/> 410 Antitrust <input checked="" type="checkbox"/> 430 Banks and Banking <input checked="" type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input checked="" type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input checked="" type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☒ 6 Multidistrict Litigation  
☒ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

*92,500.00*

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

*20030908Cn*

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

Judge Bruce S. Jenkins

DECK TYPE: Civil

DATE STAMP: 10/25/2006 @ 13:28:00

CASE NUMBER: 1:06CV00133 BSJ